

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

LEE ANGROS,

Plaintiff,

v.

VENTANA MEDICAL SYSTEMS, INC.,

Defendant.

No. 5:12-cv-1262-R

THIRD JOINT MOTION FOR EXTENSION OF TIME FOR ANSWER

Plaintiff Lee Angros and Defendant Ventana Medical Systems, Inc. (“Ventana”) hereby respectfully request that the Court extend the time for Ventana to answer or otherwise respond to the Complaint to and including September 30, 2013.

The parties have been diligently involved in discussions to determine whether this matter can be resolved without the need for the current litigation. On July 1, 2013, the Court granted the parties’ joint request that, in order for settlement negotiations to continue diligently, Ventana should have the full sixty (60) days to answer or otherwise respond to the complaint provided by Federal Rule of Civil Procedure 4(d)(3), making Ventana’s responsive pleading due on July 30, 2013. (Dkts. ##13, 14.) On July 29, 2013, the Court granted the parties’ second joint request to extend the time for Ventana to respond to the complaint to August 29, 2013. (Dkts. ##15, 16).

Since the last extension granted by the Court, the parties have continued to diligently work toward determining whether this seven patent case can be resolved without the time and expense of litigation. In particular, the parties have shared and are in the process of analyzing and discussing confidential information, including financial information, relevant to the ongoing settlement discussions. The process of assembling this information has been time consuming, but it has allowed the parties to make considerable progress in their discussions. The parties believe that they are now in a position such that they can determine within the next 30 days whether the matter can be settled and they are committed to making this determination within that time frame. The parties further note that the filing of a response to the complaint by the defendant could alter the financial dynamics in such a way that settlement of the case could be made more difficult.

Accordingly, pursuant to the parties' stipulation and in order for settlement negotiations to continue diligently, the parties request that the time for Ventana to answer or otherwise respond to the complaint be extended to and including September 30, 2013. The parties respectfully request that the Court enter the attached Proposed Order granting the same. This extension will not affect any other deadlines, because no other deadlines have been set.

Dated: August 28, 2013

Respectfully Submitted,

/s/ Phillip L. Free, Jr.

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